

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.330 of 2021

1. Sasikumar
2. M.Vadivelu

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
H1 Washermanpet Police Station,
Chennai
(Crime No.5072 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.5072 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. S.Sinthanadevi

For Respondent : Mr.M. Prabavathy,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 08.10.2020 for the offence punishable under Sections 147, 341, 294(b), 323, 342, and 302 IPC in Crime No.5072 of 2020 and seeks bail.

2. The case of the prosecution is that on the date of occurrence, due to money dispute, all the accused persons abducted the deceased, brutally attacked him, and thereby committed murder. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioners would submit that there was no eyewitness to the occurrence. It is a case of circumstantial evidence. Since there is money dispute between the petitioners and the deceased, they have been falsely implicated in this case. He would further submit that A1, who is the main accused in this case has already been released on bail. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused persons brutally attacked the deceased and caused death. She would further submit that investigation is completed and final report has been filed and the matter is pending for committal. At this stage, if the petitioner is released on bail, it would affect the entire case proceedings. Hence, she opposed to grant bail to the petitioners.

5. Considering the said facts and circumstances of the case and the fact that it is a case of circumstantial evidence and co-accused in this case has already been released on bail and also the fact that final report has been filed and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, George Town, Chennai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners, on their release from prison, shall report before the Committal Court on all hearing dates without fail.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
20/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE
NO.XV, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
H1 WASHHERMANPET POLICE STATION,
CHENNAI.

+1 CC to M/S.S.SINTHANADEVI Advocate on payment of necessary charges SR.No.611

सत्यमेव जयते

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Date :20/01/2021

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